

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/090,378	090,378 03/04/2002 Antonito T. Panganiban		960296.98849	8085	
27114 75	90 08/14/2003	A Section 1		···	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE, SUITE 2040 MILWAUKEE, WI 53202-4497			EXAMINER		
			WINKLER, ULRIKE		
			ART UNIT	PAPER NUMBER	
	9		. 1648		
•			DATE MAILED: 08/14/2003	· (
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 10/090,378 PANGANIBAN ET AL.	7		(2)		
Examin r Ulrike Winkler - The MAILING DATE of this communication appears on th cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Excessions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filled after 50x (6) MONTH's from the mailing date of this provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filled after 50x (6) MONTH's from the mailing date of this provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filled after 50x (6) MONTH's from the mailing date of this communication of the statutory minimum of thinty (30) days will be considered timely. If IND period for reply is deposited above, the maining date of this communication of this provision of the statutory minimum of thinty (30) days will be considered timely. If IND period for reply is periodical above, the maining date of this communication. Pallure to reply within the set or extended period for reply will, by statute, cause the application become ABANDONED (35 U.S.C., § 133). Any reply received by the Office later than three mentiles after the mailing date of this communication, even if timely filled, may reduce any search period will apply and the spirit status. 1) Responsive to communication(s) filled on	Jul. 3.8	Application No.		Applicant(s)	
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2 L. Cartified conice of the priority decuments have been received in Application No.				•	•
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 	application from the International Bu	reau (PCT Rule 1	7.2(a)).		Stage .
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).	14) ☐ Acknowledgment is made of a claim for domesti	c priority under 3	5 U.S.C. § 119(e) (to a provisiona	al application).
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	_ · · · ·				
Attachment(s)	Attachment(s)				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)	Notice of Informal		



Application/Control Number: 10/090,378

Art Unit: 1648

DETAILED ACTION

In the preliminary amendment Paper No. 3 applicant elected Group III, claims 3-6. There has been no restriction set forth in the instant case and applicants did not cancel all nonelected based on restriction in the parent case application # 09/301,978 now U.S. Pat. No. 6,392,015. Therefore, in order to clarify the record the following Election/Restriction of all current pending claims is made.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 3-6, drawn to an assay identifying modulators of Ubp/Vpu interaction measured *in vivo* and *in vitro*, classified in class 435, subclass 5.
- II. Claims 17-18, drawn to a method of detecting Ubp superfamily members using hybridization methods, classified in class 435, subclass 6.

The inventions are distinct, each from the other because of the following reasons:

Groups I and II are drawn to methods and each is distinct from the other because they utilize different starting materials, therefore the outcomes are not be expected to be the same. Groups I is drawn to a method of identifying compounds that can effect the Ubp/Vpu interaction. Group II is drawn to a method of detecting Ubp superfamily members using hybridization techniques. The methods differ from each other by utilizing different starting materials and techniques, the outcome would therefore not be expected to be the same.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is advised that for the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ulrike Winkler, Ph.D. whose telephone number is 703-308-8294. The examiner can normally be reached M-F, 8:30 am - 5 pm. The examiner can also be reached via email [ulrike.winkler@uspto.gov].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached at 703-308-4027.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 or for informal communications use 703-746-3162.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196/

PATENT EXAMINER 8/13/03